

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

<p>IN RE: SOCIAL MEDIA ADOLESCENT ADDICTION/PERSONAL INJURY PRODUCTS LIABILITY LITIGATION</p> <p>This Document Relates To:</p> <p><i>People of the State of California, et al. v. Meta Platforms, Inc., et al.</i></p>	<p>MDL No. 3047</p> <p>Case Nos.: 4:22-md-03047-YGR (PHK) 4:23-cv-05448-YGR</p> <p>JOINT LETTER RE SCHEDULE FOR CALIFORNIA AGENCIES' DOCUMENT PRODUCTION</p> <p>Judge: Hon. Yvonne Gonzalez Rogers Magistrate Judge: Hon. Peter H. Kang</p>
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Dear Judge Kang:

Pursuant to the Court's instructions at the December 11, 2024 Discovery Management Conference, Defendants Meta Platforms, Inc.; Instagram, LLC; Meta Payments, Inc.; and Meta Platforms Technologies, LLC (collectively, "Meta") and the undersigned counsel for the Office of the Governor, California Office of Data & Innovation, California Governor's Office of Business and Economic Development, California Department of Finance, California Department of Public Health, California Department of Consumer Affairs, and California Business, Consumer Services and Housing Agency ("California Executive Agencies"), respectfully submit this letter concerning the document production schedule for the State of California and/or its agencies. *See Hr'g Tr.* at 91:14-20 (Dec. 11, 2024) ("What I want by Tuesday of next week, very short, a one-page letter evenly divided between you two parties with a plan to get this done as between – a schedule, that's all I want – all right? – to get this done as between the two of you. Okay?").

Dated: December 17, 2024

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Respectfully submitted,

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Meta's Position: Meta proposed the following schedule to California (including the California Executive Agencies) on December 13, 2024. All other dates would be the same as set by the Court on November 26, 2024. DMO 12 (ECF No. 1380).¹

Date	Event
12/16/2024	Deadline for states to provide hit reports for most recent Meta search term and agency custodians proposal if no agreement reached.
12/18/2024	Deadline for first rolling production of state agency documents requested pursuant to Rule 34.
12/18/2024	Deadline for Parties to complete meet and confers regarding search terms and custodians to be used for Rule 34 state agency discovery.
12/20/2024	Last date to file discovery letter briefs moving to compel productions regarding search terms and custodians for state agency discovery pursuant to Rule 34.
12/23/2024	First date for Meta to notice fact deponents from individual agencies, with States objecting to any deposition within 3 days or offering proposed dates within 7 days,
12/27/2024	Deadline for second (or next) rolling production of state agency documents requested pursuant to Rule 34 (if not completed).
1/3/2025	Deadline for third (or next) rolling production of state agency documents requested pursuant to Rule 34 (if not completed).
1/10/2025	Substantial completion of production for State AG and state agency documents requested pursuant to Rule 34 (DMO 12).
2/3/2025 – 3/7/2025	Dates for Rule 30(b)(6) depositions of State AGs and state agencies to be taken (unless otherwise agreed upon by the Parties) (DMO 12).

California Executive Agencies's Position: Reserving all previous objections and arguments, including that they are not parties and have yet to be served with any Rule 45 subpoenas, the Office of the Governor and nonparty state agencies ("nonparty agencies") have been negotiating with Meta in good faith. After Meta provided proposed search terms on December 9, the nonparty agencies provided Meta a preliminary report of hits on December 16, 2024. Meta's sweeping search terms produced millions of hits, including over 2 million for the California Department of Public Health alone. A quick sampling reveals that the vast majority of documents sampled are nonresponsive or likely privileged, but because every document must be reviewed for privilege, the task will take months. The nonparty agencies will meet and confer with Meta to put on hold the discovery for three agencies unlikely to produce relevant documents and to reduce and prioritize the search terms for the remaining four agencies. If Meta agrees to a significantly narrower set of search terms that produces a dataset of 8,000-30,000 records per remaining agency by December 31, 2024, with smaller agencies at the lower end of that range, then it would be feasible for the agencies (depending on agency capacity, limited resources, and competing public priorities that they still must address) to review for privilege and responsiveness within the prescribed timeline, and the agencies would begin rolling production no later than January 10 with substantial completion by February 14, 2025.

¹ Per the Court's instructions, Meta includes no argument in response to the State's position. *See* Hr'g Tr. at 103:4-6 (Dec. 11, 2024) ("It's just a schedule. I don't want argument.").

ATTESTATION

I, Ashley M. Simonsen, hereby attest, pursuant to N.D. Cal. Civil L.R. 5-1, that the concurrence to the filing of this document has been obtained from each signatory hereto.

Dated: December 17, 2024

By: /s/ Ashley M. Simonsen
Ashley M. Simonsen